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CONSIDERATIONS

ON THE

B I L L

FOR A

GENERAL NATURALIZATION,

As it may conduce

To the Improvement of our Manufactures and Traffic, and to the strengthening or endangering the Constitution, exemplified in the Revolutions that have happened in this Kingdom by inviting over Foreigners to settle among us.

W I T H

An Enquiry into the Nature of the *British* Constitution, and the Freedom, or Servitude, of the lower Class of People, in the several Changes it has undergone.

L O N D O N :

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CONSIDERATIONS

ON THE

BILL

FOR

AMENDING THE ACT

IN RELATION TO

THE IMPROVEMENT OF THE
NAVY, AND TO THE
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LONDON

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CONSIDERATIONS

On the BILL for a

GENERAL NATURALIZATION, &c.

IT is a common observation, that the ^{Numbers} wealth and strength of a nation is <sup>of peo-
ple the</sup> usually proportionable to the num- <sup>strength of
a nation.</sup> ber of its inhabitants, and that those countries and towns which encourage foreigners to reside amongst them are most considerable for their traffick; *Holland* being usually produced as an instance of this abroad, and *Birmingham* and *Manchester* at home, where foreigners are allowed to carry on what trade and manufactures they please without molestation. It is observed further, that our entertaining the *Flemmings* and *French* refugees <sup>Foreign-
ers im-
prove our
manufac-
tures.</sup> laid the foundation of our woollen and silk manufactures, and we may expect the like benefit by entertaining the people of other countries.

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Idle hands
a burthen.

On the other hand it is insisted, that a general unlimited naturalization will rather impoverish than enrich the kingdom, by bringing over numbers of idle useleſs hands, which may prove a burthen to the country and ſtarve the natives.

What ſort
of foreign-
ers will en-
rich us.

If we can introduce people qualified to inſtruct us in any new and beneficial branch of buſineſs, as the *Flemmings* and *French* formerly did, this might conduce to the end propos'd; but the importing dancing-maſters, fencing-maſters, *French* taylors, barbers, valets, and little itinerant retail pedlars, which make up the bulk of foreigners which have favoured us with their company of late years, theſe will be very far from enriching us: The only people that can ſerve us are, Firſt, Such as bring fortunes with them; and ſuch as theſe are ſeldom reſuſed to be naturaliz'd. Secondly, Such as can improve our manufactures, or be uſeful in our plantations. Thirdly, Men that are ready to engage in the ſea-ſervice, in the fisheries, or in huſbandry; whereas the foreigners amongſt us are chiefly ſuch people as have been deſcribed already, that contribute nothing to the national ſtock,
who

who live like drones on the labours of the natives, occasion many of them to lose their employments, and be turn'd out of their services to make room for these strangers.

It may be expected that such an act ^{From whence we may expect foreigners.} will bring over the greatest numbers from the *Cevennes* in the South of *France*, where the poor Protestants or new Converts, as they are call'd, suffer a very severe persecution at this time ; but these are chiefly vine-dressers, for whom it might be difficult to find employment in *England* ; and admitting some of them are silk-weavers ; Do the *Spittle-field* weavers at this day stand in need of their instructions ? Or do they want hands for this manufacture ? which by the way is the least beneficial of any to the public, as the materials are purchas'd abroad, and none of this manufacture exported, but all consum'd by our own people, which is one occasion of the decay of the woollen manufacture.

There may probably be some ploughmen and boors among the people of the *Cevennes* that understand the cultivation of corn and grazing of cattle ; but there is

scarce an instance of any foreigner's applying himself to country affairs here. From *Italy*, *Spain* and *Portugal* it is not to be expected that many would come over to take advantage of such an act, nor is it to be conceived of what use they could be to us; besides they are all papists.

Foreign-
ers may
be of use
in the
plantati-
ons.

From *Germany* we have already imported great numbers of *Palatines* and *Saltsburghers*, and after having maintain'd them some time at a considerable expence, it was found expedient to transport them to the plantations, where they may, no doubt, be of great service to the nation; but we have an act already for naturalizing all foreign protestants that go to the plantations: There is no doubt but they may be employed usefully in *Carolina* in planting vineyards and oliveyards, in raising silk, indigo, and fruits proper for a warm climate, which would prevent the sending abroad an immense treasure that is annually exported to purchase wine, oil, indigo and silk of foreigners; such people also might be employ'd in our northern colonies, in planting and dressing hemp and flax, in producing

ducing pitch and tar, and other naval stores, which we purchase in the countries bordering on the *Baltic* sea with silver.

The *Dutch* indeed are sufficiently qualified to improve our fisheries, particularly the whale and herring fisheries; but the *Dutch* have in a manner monopoliz'd these, and find their people constant employment at home in one or other of them; for which reason we cannot expect to bring over many *Dutchmen* by a naturalization act. *Britain* The fisheries monopoliz'd by the *Dutch*. seems to have excluded herself voluntarily from the whale and herring fisheries, and hath little to do of this kind, either for natives or foreigners: Tho' these are the principal sources of the wealth and power of our neighbours the *Dutch*, who are now probably the richest nation in *Europe*, and would be the most formidable power by sea and land, if their unreasonable parsimony did not prevent the using the treasures they possess, which are greatly increased of late by that scandalous neutrality they insist on in breach of numerous treaties, and which has thrown most part of the trade of *Europe* into their hands

hands for several years past; but what they have gain'd by trade they have lost in security: They have remain'd indolent spectators of the progress of the *French* arms, until the enemy has penetrated into their country, and made a conquest of their strongest frontier towns. But to return to our subject.

Foreign-
ers dan-
gerous to
the consti-
tution.

It is made an objection to the admitting too great a number of foreigners, that they will naturally retain an affection for their own country, and in case of a war cannot be rely'd on. They will be so many spies upon us, betraying our secrets, and in case of an invasion join the enemy perhaps against the people that harbour them; and if they happen to raise fortunes amongst us, will probably carry away their wealth and spend what they have got amongst us in their own country.

The *Dutch* may have been enrich'd by the numbers of foreigners that have resorted thither, but then they have work for them, there are no idle hands in *Holland*, they are all employed in some useful manufacture, or else at sea; but the chief reason trade flourishes in *Holland*

land more than in any other country, is, that they have made the United Provinces a kind of free-port, their duties on merchandize being exceeding low, and little or no taxes laid upon the wealthy part of their inhabitants in proportion to their fortunes. It is the middle or inferior people that bear the charges of the government in *Holland*, the taxes being raised by an almost general excise, which does not affect a man worth a hundred thousand pounds much more than an ordinary shop-keeper. Their rich men keep no equipages, or any useless servants, so that their families are not much larger than those of a common tradesman, and consequently their taxes not much higher: And as to the money they have in banks and public funds, this pays no duties, any more than the merchandise employ'd in foreign traffic; from whence it appears that the expences of the government are born chiefly by the common people; and these possibly may be poor and much in debt, as the *Dutch* give out, while the merchants and principal inhabitants are immensely rich.

Nor

People
unequally
taxed in
Holland.

The States
are arbitrary.

Nor can the people ever alter this unequal way of taxation, having no share in the government, or in the election of their governors or magistrates, but must bear every burthen their superiors please to lay upon them, notwithstanding that vulgar notion, that *Holland* is a land of liberty. None dare so much as petition against a grievance there; the magistrates of the respective provinces and towns have the legislative power vested in them, and are as absolute as the *French* King in their several districts.

Foreign-
ers gene-
rally ene-
mies to our
constitu-
tion.

To return from this digression, if it be one; another objection against a general unlimited naturalization is, that the foreigners we may expect to be brought over hither are enemies to episcopal government, and will probably unite against the establish'd church, how much soever they may differ amongst themselves; nor would the civil part of our constitution be in less danger by admitting a flood of foreigners, most of them having been educated under arbitrary and tyrannical governments, and will probably be ready to promote and support an arbitrary administration here; an ambitious minister will

will certainly find his account in encouraging such foreigners, and introducing them into places of trust and profit rather than the natives who have contracted high notions of liberty, and are tenacious of their rights and privileges. All mankind are fond of increasing their power and influence, and when ministers observe that foreigners enter more readily into their measures than the natives, is it not reasonable to presume that the natives will be discouraged and slighted, and foreigners preferred?

There are fifty or sixty thousand of the natives now in the army who have been taken from amongst our husbandmen or artificers, will it be just or politic to bring over strangers to succeed them in their domestic employments, to consume the *British* youth in foreign wars, and people the country with foreigners, strangers to our constitution, strangers to our methods of husbandry, and manufactures, and in no respect qualified to increase the wealth of the kingdom, and less inclin'd perhaps to defend it from the enemies of the nation abroad, or the enemies of the constitution at home? Is it not much more

Better to
encrease
our own
people
than im-
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reigners.

eligible to increase our own people than to invite over strangers, which is to be done chiefly by encouraging matrimony, that seems to be laugh'd out of doors at present, and if the humour gains ground, the nation may be depopulated or become the habitation of strangers ?

The *Romans* looked upon the multiplication of their species as such an advantage to the commonwealth, that they exempted a man from taxes that had three children ; and we find the great *Augustus* reprehending the *Roman* knights for remaining unmarried, and treating them as enemies to their country. And Mr. *Petit* an *English* writer observes, that the father of ten children is a greater benefactor to his country than he who adds ten thousand acres of land to it ; but this is meant of children born in wedlock, whose parents take care to see them educated in some useful employment, and not the fruit of criminal embraces which perish usually in their infancy, or become vagabonds and thieves, having no means of subsisting but by rapine : A multitude of these can be of no more service to their country than so many
I
strangers

strangers and enemies to our constitution would be. But there is nothing like dear-bought experience to correct our mistakes: an act of the like tenor pass'd in the year 1708, and multitudes of foreign ^{A former act of naturalization repealed,} beggars were immediately naturaliz'd on taking the usual oaths in *Westminster-Hall*, and paying the small sum of twelve-pence. The next year seven or eight thousand *Palatines*, natives of *Germany*, were imported at once and encamped on *Black-beath*, where they were maintained at a considerable expence 'till the government discovered they were most of them vine-dressers, and consequently of no use here; and they were thereupon exported to the plantations, or sent ^{*Palatines* sent back.} back again, and several thousand more, which were coming over, were stopped as they were embarking for this fortunate island.

The Queen was address'd a year or two afterwards to know who advised the bringing over of these unhappy people to *England*, but her Majesty had too much honour to discover by whose counsel she concurred in it; for it was expect-

ed they would have been impeached as enemies to their country if she had.

And as a specious and true reason is frequently given in such cases, so it happened here. The advantage that might accrue to the nation by encreasing our numbers was the specious reason ; but the encreasing the abettors of a certain faction among the mob was the true one ; the populace, especially in *London*, expressing an apprehension that an alteration of the constitution was intended, they were represented as disaffected to the government, which could only be preserved, as was pretended, by an accession of foreigners, that would enter into the measures of the ministry without examination.

Revolutions occasioned by introducing foreigners.

The revolutions which have happened in most nations have been occasioned by the introducing foreigners as friends or allies. We need go no further for instances of this kind than our own country.

The *Britons* introduced the *Saxons* to defend them against the *Picts* and *Scots* ; and some of our historians suggest, that *Vortigern*, then King of *Britain*,

tain, invited over the *Saxons* with a view of rendering himself absolute; that he was more intent on invading the liberties of his own people, than defending his frontiers against foreign enemies: but whatever was the motive for calling in the *Saxons*, it appears that they subdued the *Britons* as well as the *Picts*; that they subverted the ancient constitution, divided all offices and places of honour or profit among their brethren; drove most of the *Britons* up into the mountains, and made slaves of those that remained under their jurisdiction.

William, stil'd the Conqueror, had failed in his enterprize against this island if the *Normans* had not been introduced here in the reign of *Edward* the Confessor, who favour'd those foreigners, and advanced them to posts in the government, which he did, it's presum'd, in order to balance the powerful faction of the *Godwins*, who set him upon the throne, and for that reason expected he should be governed by them. It was to support himself against the *Godwins* therefore that he entered into a strict alliance with the Duke of *Normandy*,
and

and even appointed his successor, as some historians relate. Certain it is *William* claim'd the crown of *England* as the gift of King *Edward*. *Harold* made the like claim, and these had each their partisans in the court of *England*, even in the Confessor's life-time; who was no sooner dead than *Harold* mounted the throne; but having both the Duke of *Normandy* and the *Dane* to contend with, as well as a powerful party of foreigners, especially *Normans*, who had settled themselves here in the preceding reign, it is not to be wonder'd that the Duke of *Normandy* succeeded in his enterprize; especially when the Pope and the clergy espoused his cause, and made it a kind of crusado or holy war, which drew adventurers from every Christian country in *Europe* to join *William* in his invasion of *England*.

In the reign of King *John* the nation very narrowly escaped being made a province to *France*, by the Barons inviting over *Lewis* the Dauphin, and the *French* to assist them in subduing their prince, who had no way to preserve himself and
the

the nation from their tyranny, but by throwing himself into the arms of the Pope, and becoming tributary to the holy See, which induced the Pope to change hands and take the King's part against the Barons; and the *French* were not long after driven out of the kingdom: A majority of the people as well as the King, no doubt, foreseeing that it would be much easier to recover their freedom and shake off the dominion of the Pope, who had only spiritual weapons to maintain his title, and who was at so great a distance from *Britain*, than to rescue themselves from so near and so powerful a neighbour as the *French*, who might pour in what numbers they pleased to maintain their intended conquest.

From these and many instances of the like nature, may be discerned the danger of admitting too great a number of foreigners in case of an invasion.

Nor will the *constitution* be less endangered by a multitude of foreigners in time of peace. We find them always ready to become the tools of every ambitious minister; and even their children are observed to retain the affections and prejudices

prejudices of their parents. How do the *French* refugees still prefer their own country and magnify the successes of their grand Monarch, while they remain in exile and suffer by his tyranny? This may be seen in those that are really protestants; and for the papists, who are not much inferior in numbers, they may be esteemed true subjects of *France*, and entirely devoted to the service of our enemies.

There is another nation from whom the people of *England* have more to apprehend possibly than from the *French*, as they are more likely to ingross the favour of ministers, and consequently will be ready to concur in all their measures.

A naturalization bill with limitations may be of service.

It is possible however that a naturalization bill with some restrictions and limitations may be of some service to the kingdom: A multitude of people does usually contribute to the wealth and strength of a nation, provided they are *usefully employed without prejudice to the natives*; but when it was found difficult to meet with employment for the *Palatines*, several noblemen and gentlemen who were zealous for their importation,

tation proposed to employ them on their own estates, and sent part of them into the country to supply the places of *English* labourers. One nobleman in particular carried fifty of them down into *Bedfordshire*, to work on the canals and plantations he was making, and turn'd off all the natives which belonged to the neighbouring villages, who thereupon became chargeable to their respective parishes.

It is presum'd therefore, that before a naturalization bill passes, some employment will be provided for the foreigners invited over without distressing the natives; especially since so many other methods may be thought on to supply the want of hands in our manufactures, less liable to exception.

One way of multiplying our hands, ^{Ways of} or at least supplying the want of them, is ^{working} by making use of the like engines and ^{our manu-} machines in our woollen manufactures, ^{factures} as we have been lately taught to employ in the silk manufacture, by the celebrated Sir *Thomas Lombe*, to whom the parliament thought fit to give thirty thousand pounds, for the service he has ^{with few} done ^{hands.}

done his country; for by the help of such engines three men may do the business of an hundred, and consequently we should have upwards of ninety hands to spare in every hundred.

The like benefit will accrue to the nation by erecting saw-mills, whereby one man may do the work of many, and consequently we shall have abundance of hands to spare out of this business. Our people go over to *Holland* to buy plank, the *Dutch* having a thousand wind-mills employed in sawing timber in North *Holland*. They import several hundred ship-loads of timber annually from the *Baltic*: And tho' they have little or none growing can furnish foreigners with materials for building ships and houses much cheaper than they can saw and prepare them at home.

The *Dutch* get more by cutting and framing the timber than the people do that sell it them. Another way of encreasing our hands, or rather of sparing a great many that might be otherwise employed, is by making canals to join our great rivers, viz. the *Thames*, the *Severn* and the *Trent*, whereby the most
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distant

distant parts of the kingdom might have an easy communication with each other by water, which would not only spare abundance of hands that are employ'd in land-carriage, but would lessen the charges we are at in several of our manufactures, particularly that of wool. Our wool is frequently carried by land from one county to another, upwards of an hundred miles to the places where it is wrought; and nine parts in ten of this expence would be sav'd if we had an inland navigation thro' the kingdom.

The land-carriage of timber also adds much to the expence of building, and a great many gentlemen would be able to make much more of their woods if they had water-carriage for their timber to the sea-side. Our corn also, which has been so cheap of late years that the farmer can hardly pay his rent, might easily be transported to foreign markets from the most inland counties, if we could carry it by water to the sea-side; and foreign merchandise might be convey'd the same way to the most inland part of the kingdom at a small expence, which must render a great

many necessary articles in our manufactures much cheaper than they are at present, as well as the necessaries of life; and consequently the poor as well as others might maintain themselves cheaper.

If it be objected that our people would want work if such methods were introduced that require but few hands in our manufacture, this will prove to be a mistake; for by lessening the charge of working our manufacture, every branch of business would encrease. The cheaper we could afford our goods abroad, the greater would be the demand for them; and consequently the greater number employed in them. One reason that *Holland* is become the great work-house and magazine of *Europe*, is, that they have all manner of machines, engines, and conveniences for working with few hands, and they have water-carriage to every door almost, which enables them to afford their goods cheaper than we can; and this is the grand inducement to foreigners to deal with *Holland* rather than *England*. We ourselves purchase those very goods of them, which we might work cheaper at home, if we had the

the like machines and conveniences. And one reason *Holland* is so full of people, is, that they never want goods for merchants that may be purchased at easy rates, or an employment for labourers ; no man need want a day's work there. The foreigners they import therefore, are so far from being a burthen to them, that every individual contributes something to increase the national stock, and adds wealth to the state.

Whenever *Britain* therefore can find the like employment for labourers and artificers, she may safely pass a naturalization act, and fill the country with *useful* hands as *Holland* has done ; but,

Either we do want hands, or we do not : If we do not, it would be ridiculous to import foreigners to the prejudice of our own people : If we do want people for our manufactures or husbandry, we ought to erect such engines and machines as the *Dutch* do, and contrive the working our manufactures with as few hands and as cheap as possible, that the supernumeraries may be employ'd in places where they are really wanted, as they certainly are in the fisheries.

It

It is scarce conceivable what numbers of people might be employed (many of whom are now a burthen to their country) if the herring and whale fisheries were encouraged here as they are in *Holland*. Abundance of trades, says Sir *William Monson*, would find employment in the herring fishery, that now want it, as hemp-dressers, spinners, carders, weavers of sail-cloth, net-makers, coopers, smiths, shipwrights, cawkers, sawyers, seamen, fishermen, basket-makers, &c. and the fish would be to us what they are to the *Dutch*, instead of treasure, as we might exchange them for the produce of many other countries; and what is of greater consequence to us than any other consideration, we should never want twenty or thirty thousand seamen upon our own coasts ready to serve their country; whereas the seamen employed in distant voyages, are most part of the year at a great distance from home, and cannot be serviceable to us on any sudden emergency.

As

As to the feasibility of cutting canals that may open a communication between the principal *English* rivers already mentioned, the ground has been viewed in *Glocestershire* and the adjacent countries, and it appears that the cutting two or three canals ten miles long will join these rivers, or those that run into them; and the ground is very proper for it through valleys, where there are many small rivulets to fill such canals, and no rocks or hills to obstruct the design: Whereas the late *French* King, *Lewis XIV*, in order to open a communication between the *Atlantic* ocean and the *Mediterranean*, was obliged to cut a canal of an hundred miles long, and carry it over mountains and valleys, and even thro' a mountain with infinite labour and expence, whereby, and by the river *Garonne*, his people have a navigation quite thro' the kingdom from sea to sea; and in time of war have no occasion to run the hazard of being taken in transporting their goods from one part of the kingdom to the other: and the like advantage would accrue to *England* by the short canals proposed; goods might be brought

Canals for
continuing a navigation
through
England.

brought from *Bristol*, *Hull*, and other ports to *London* without hazarding them at sea, and returns might be made from *London* to the most distant parts of the kingdom the same way.

There is this further advantage in transporting our goods by water from one place to another, that the roads will not be spoil'd and torn in pieces by heavy carriages near so much as they are at present ; and many of our people will be employ'd upon the water, and made fitter for the sea-service, or our fisheries when they are wanted : The inland navigation of *Holland* furnishes their fleets with a good proportion of seamen : From all which considerations it is presum'd, that our Governors will some time or other set about this great work, especially since such a progress is made every year already in rendering the smaller rivers navigable.

Give me leave to mention the great advantages that have accrued to *Russia* of late years by such an inland navigation : It was not the least improvement that was made by the late Czar, *Peter the Great*. He continued this kind of navigation

navigation upwards of a thousand miles, opening a communication between the *Baltic*, the *Euxine* and the *Caspian* seas, whereby they easily transport the goods of this extensive country from one side to the other.

The *Chinese* exceed the *Russians* in numerous canals; they are the most busy people upon the face of the earth, and it is computed, that almost as many people live upon the water as upon the land in that kingdom. The like has been observed of *Holland*.

Another way of encreasing, or rather preserving our own people, and rendering them fit for laborious employments, is the discountenancing excessive drinking, which, it has been observed, enervates the body, and does not only make people incapable of employment, but renders the marriage bed less fruitful; and where there are children, produces only some puny sickly wretches unfit for any thing.

If religion were out of the case, there is abundant reasons to induce all governors to discourage vice, especially that species of it already mentioned; for it does not only impoverish the offenders

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and

Excessive
drinking
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to our people.

and ruin their health, but puts them upon a thousand extravagancies to supply their necessities, and perhaps forces them upon the highway, house-breaking and street-robberies, renders them the pests of society, to that degree, that honest people can never be safe either abroad or at home.

Another way of encreasing our hands, or employing those we have usefully, is the setting our soldiers to work when they are in quarters, and allowing them a small addition to their pay rather than let them lye idle. If these were employed in raising highways, as the *Roman* soldiers were in cutting canals, and making rivers navigable, we should have a great many more hands to spare than we have at present. The soldiers, by being enur'd to labour also, would be fitter for service when called out to action; and by being kept out of idleness, would be kept out of mischief. By a small addition to his pay he would have less temptation to pilfer, and fewer opportunities of committing such crimes. This too would be of service to the country as well as the soldier; for whereas labourers have usually twelve-pence a day, they need not advance

vance more than six-pence to a soldier employed in these works.

We have lately seen the *French* soldiers cutting a canal ten miles in length, viz. from *Malines* to *Louvain*, which they finished in a month's time, and is extremely serviceable for the traffic of the country, as well as to cover it against the incursions of an enemy. I proceed to make some remarks on our constitution, and the revolutions it has undergone by the introducing foreigners.

If there is any fundamental or unalterable condition in our constitution, it is the distribution of the sovereign power between the crown and the two houses of parliament, and the posing that authority so equally, that the one may not encroach upon, much less subvert the rights and privileges of the other; for whatever tends to destroy this balance, and throw all the power into one scale, apparently tends towards the dissolution of this limited monarchy.

Every one boasts of being a friend to the constitution, and yet we are not agreed wherein it consists. Some are of opinion that there can be no legal go-

vernment, which is not founded in the election of the people.

Government
founded
on the
consent
of the
people.

All public Regimen (says Mr. Hooker) hath arisen from deliberate advice, consultation and composition among men ; or in other words, there was heretofore some contract enter'd into between the governors and governed, which obliges their posterity ; and whenever governors break thro' the terms of that contract, by endeavouring to obtain an arbitrary dominion, and oppress and destroy the people they were advanced to protect, the people are absolved from their allegiance, and may compel such governors to restore the rights and privileges they have invaded ; or they may transfer the command to others, and strike out a new form of government, and this whether their ancient constitution was monarchical or republican ; whether they were governed by one or more ; for the people may be oppress'd by a state or commonwealth, as well as by one sole monarch ; and that more effectually and irretrievably.

Whether
the con-
sent of the
people
was ever
asked ?

Others are of opinion that there never was a time when all men were upon a level, and under no form of government,

ment, and consequently there never was a time when men had a right to elect their governors.

Sacred history relates, that we all descended from one common parent ; and if this be admitted, it must be presum'd the first man took upon him to govern his family without waiting for the consent of his children, that he should govern them under certain limitations suppos'd to be contain'd in the *original contract* : Nor is it to be much doubted that the first man took upon him to govern his grandchildren as well as his children and the rest of his descendants while they remain'd with him ; and when men multiplied, and went in search of other seats, it is natural to suppose this was done with the consent and concurrence of their grand parent, and that he assign'd them Chiefs or Leaders to direct and govern them.

Adam had a double right to dominion, as he was sole sovereign of the earth, and father of the people in a literal sense. If it should be admitted he received no direct authority from heaven to govern the world, he had the right of prescription

tion and possession, or occupancy, as well as the authority of a parent.

But nothing is more evident, if we credit sacred scriptures, than that heaven expressly gave him the dominion of all animals, and of all the productions of the earth, and consequently none could have a right to any thing the earth produc'd, but himself and those he permitted to share it with him ; and this alone must secure his authority over the inhabitants of the earth, in as much as none had a right to a subsistence, or to use the fruits of the earth without his leave. If we could suppose therefore that *Adam's* posterity were upon the level with him in point of authority ; or, according to some, that the people are the last resort, and he and all other princes are accountable to them ; yet if we allow the property of all things to be in *Adam*, the people must have been as much under his influence as people are at this day who subsist by the bounty of their governors. His superior wisdom too seems to demand their submission ; he was created perfect, and had conversed with God and Angels. Nothing

thing in nature was a secret to him : If it should be admitted therefore that he received no authority from heaven to govern his posterity, all rational people would gladly submit to the direction of such a guide, and have chosen him their prince, if he was not so originally.

There were many governments found-
 ed afterwards, no doubt, by force or compact ; sometimes the stronger tribes compelled the weaker to submit to their dominion ; at others, several tribes or families might unite for their common defence, and chuse themselves leaders or governors, who were submitted to while they consulted and promoted the interest of the society ; but if they abused their power, it is reasonable to suppose the people endeavoured to recover their liberties, insisted upon terms and conditions of government, and limited the power of their chiefs, if they were not grown too strong to be control'd ; but where an ambitious chief prov'd too hard for his subjects, and could not be reduced to reason, his authority degenerated into tyranny, and he became an absolute monarch : On the other hand, when the
 I people

Some
govern-
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founded
in force.

Others by
compact.

people prevailed, if they did not depose their prince, there is no doubt but they restrained his power, and insisted on certain laws, by which he and his posterity should be governed as well as his people.

Four several species of government.

The several governments we read of appear to have been either, 1. Absolute Monarchies; 2. Aristocracies, which when composed but of few, are stil'd Oligarchies; or, 3. Democracies, where the legislative authority is lodged in the diffusive body of the people; or 4, and lastly, A mixture of these, of which various forms there are several now in being, as there was formerly among the ancients; and perhaps none of these forms of government continued for any long space of time exactly the same; but as circumstances have alter'd, it has been found necessary to make some alteration in the constitution. To insist therefore that we ought to continue in, or return to our *original* state, when such material alterations have been made in the condition of our people in relation to tenures, traffic, the power of our neighbours, and a multitude of other circumstances, seems absurd; nor is it possible
at

at this time of day to discover what our original form of government was ; or, to speak in the language of some other people, what the tenor of the *original contract* was ; with whom it was made ; whether with one sole monarch, or with an aristocratical power, consisting of the chiefs of several tribes that inhabited the island.

We learn from *Julius Cæsar*, that *British* South *Britain* was divided into seven-^{govern-}_{ment.} teen or eighteen kingdoms or districts, which united under *Cassibelan* to oppose his invasion ; but whether these were limited or absolute monarchies does not appear.

The island was governed by the *Romans* until the year 408, when being deserted by them, those who lived in the *Roman* pale elected a king to defend them against the incursions of the *Picts* and *Scots* ; but their kings being unsuccessful in these wars, several of them were deposed almost as soon as made, until they fixed at length upon *Vortigern*, who, by the advice of the chief men of the kingdom, invited over the *Saxons* to defend their frontiers against the North *Britons*.

F

The

*Saxon go-
vernment.*

The *Saxons* having repulsed the *Picts* and *Scots* quarrel'd with the *Britons*, and having invited over great numbers of their brethren from *Germany*, made an entire conquest of South *Britain*, except *Wales* and *Cornwal*, whither the remains of the *Britons* retir'd, who did not think fit to submit to the *Saxons*.

The *Saxons* divided this country into seven kingdoms call'd the Heptarchy, which were all united under *Egbert*, anno 828.

These *Saxon* monarchs, 'tis said, transacted no affairs of consequence without the consent of their Wites, (their wife and great men) consisting of the dignified clergy and nobility, according to some, and of the nobility, clergy, and commons, according to others. These assemblies were stil'd *Wetenagemots*; the commons, it is observed, were then generally tenants to the crown, the clergy, or the nobility, and many of them in a state of servitude, and therefore cannot be supposed to have had any great share in the government then.

*Norman go-
vernment.*

William Duke of *Normandy*, anno 1066, having made a conquest of *England*, divided most of the lands among his officers,

officers, obliging them to hold them of him by military tenures, (chiefly) and left the *English Saxons* proprietors of very little: The *Saxons* held the lands they used but as tenants at will to the *Norman Lords*.

Henry I, the Conqueror's youngest son, to induce the *Norman Lords* to accept him for their King, in opposition to his elder brother *Robert*, granted them a charter, importing, that they should hold their lands on the same terms the *Saxons* held them, which was the foundation of the *Great Charter* of liberties call'd *Mag-*^{*Magna*}
na Charta, confirm'd afterwards by King ^{*Charia.*}
John, *Henry III*, &c. But there were almost continual wars between the nobility and the crown about the due observance of this charter, or the interpretation of it, which were stil'd the *Barons*^{*Barons*}
Wars.^{*Wars.*} In these sometimes the King, and at others the nobility had the advantage, and consequently the privileges of the nobility were abridged or enlarged as they happened to have success. But the common people, who held their lands by base tenures, reap'd great advantages by
these contests, being many of them made^{*Commons*}
^{*enfran-*}
^{*chis'd.*}

Empow-
er'd to
purchase.

free by the crown or the lords in order to gain them over to their party, which with a power given them in the reigns of *Henry VII* and *Henry VIII*, to purchase the lands of the nobility and of the church, rendered the commons very considerable; for tho' the representatives of the commons were permitted to attend the great councils before this time, they could have but little influence there while they had so small a share of property.

Obtain a
share in
the legis-
lature.

This has made a vast alteration in our constitution, and it seems highly reasonable, that the commons should have their share in the legislature, now their property is superior to that of the lords, whatever they had when they held their lands of the crown or the nobility.

Grant all
supplies.

They are now possess'd also of many great privileges which they wanted formerly, and particularly that of giving money for the support of the state, which was in the hands of the nobility while the property of the lands was chiefly theirs; this will not therefore be pretended to be any part of the original contract or constitution anciently; and as they are possess'd

possess'd of this important privilege, they insist they have a right to it. Thus it seems to have been in all the struggles and contentions between the crown and both, or either of the two houses. Whatever any of them possess themselves of, and can plead a short prescription to, they conceive they are very well intitled to.

Thus it is also in all our wars with foreign powers: Possession they imagine gives them a right to whatever they acquire; tho' the loser seldom acquiesces in this kind of title; but whatever cessions or concessions he has been forced to make, he never fails to endeavour the recovery of what he has lost whenever he meets with a favourable opportunity.

The people had once a right of assembling in parliament annually; at other times half yearly; and then at the three great feasts of *Christmas*, *Easter* and *Whitsontide*, and new parliaments were call'd almost as often; but now the time of calling a new parliament is limited to seven years, the crown cannot continue them longer, tho' it may dissolve a parliament, and call others as often as it

Whether
prescription
or
possession
can transfer a
right.

Annual
and triennial
parliaments.

septennial.

Every act alters the constitution. it pleases, and this is become part of our constitution: And indeed every act of parliament almost makes some alteration in our constitution. Every freeholder had formerly a right to vote for his representative in parliament; but in the reign of *Henry VI* all freeholders that had not forty shillings a year were excluded from voting at elections of members; and if the parliament should carry the qualification to forty pounds a year, then that would be our constitution.

From whence it is evident that the laws in being, and nothing else, are properly our constitution, and that the King, Lords and Commons, may model the constitution as they see fit, provided they preserve the independency of each state.

The power of the commons.

That the commons who have the purse, have at least an equal share of power, is sufficiently evident; nor can they ever be deprived of it but by their own act; nothing but a view to their private interest can lessen their influence on the other branches of the legislature.

They cannot be forced to part with the privileges they have obtain'd; nor is it to be imagin'd they will barter them away

away for any consideration whatever ; for, ^{Which} admitting they should advance the private ^{cannot be} and present interest of their families, by ^{forc'd} consenting to subject the nation to an ar- ^{from} bitrary dominion, they must reflect that ^{them.} their posterity will be involved in the calamity : If they transmit large estates to their descendants, they will transmit slavery with them, which will spoil the enjoyment of the greatest fortune, by rendering the lives and liberties of the possessors precarious ; their posterity probably will wish their estates had been less, when they understand the bulk of them was purchased with all that is valuable to freeborn subjects.

It has been insinuated by some writers ^{Whether} indeed, that if their representatives should ^{the com-} make the crown a complement of their ^{mons can} rights and privileges, the people are im- ^{render the} power'd by their *original contract* to re- ^{crown ab-} cover them whenever an opportunity of- ^{solute.} fers ; but how can such an opportunity ever be expected where the states of the nation are in the interest of the crown, or under the influence of it ? The attempt must be exceeding desperate ; but such a calamity can never happen while the

3 people

people continue to chuse men of probity and honour for their representatives.

Charters
seiz'd.

When our princes new-modell'd the corporations, and seiz'd their charters in order to influence elections, the constitution was held to be in danger ; and if corporations should ever be purchased, and rendered obsequious to the dictates of a minister, will not the constitution be in equal danger ?

Bishop *Burnet* represents King *William* approving the purchase of the corporations and their members, and telling him it was absolutely necessary in the circumstances the nation then was, which proceeded, no doubt, from an apprehension that the commons were possessed of too great a share of power.

The condition of
the British
subjects.

I proceed to consider the condition of the subject under the various forms of government the constitution has undergone. Neither Cæsar nor any of the Roman writers give us a particular account of the circumstances of the Britons before they subdued this island : They neither mention any tenures, by which the Britons held their lands ; or whether the lower rank of people were in a state of servitude

tude or freedom, tho' it seems most probable there were no slaves amongst the *Britons*, and probably they had no distinct proprietors in their lands, as we find it to be in most countries discovered lately : The natives are usually divided into tribes or clans, and each tribe possesses a certain district, in which the people have an undivided property, every tribe having its limits : But the district claimed by any tribe is one great common, and what a man sows or plants, that he is allow'd to enjoy. In some countries the prince or state directs what part of the country shall be planted and cultivated at a common charge ; what share every family shall take in the labour and in the produce of the land at harvest ; and as these countries are but thinly peopled, they frequently break up new ground, and seldom reside long in one place. Certain it is the *Britons* had no towns ; for the name of one is not mentioned by *Cæsar*, but only some enclosures made with trees cut down and surrounded with ditches, which serv'd instead of fortifications for their defence, and to preserve their cattle from wild beasts in the night-time ; and these they

left and erected others in such parts of the country as they found properest for tillage or the grazing of their cattle when the first were worn out.

The Roman government tyrannical.

When the *Britons* were subdued by the *Romans*, they were governed generally by *Roman* laws, or rather by mere will and pleasure; for a great part of the natives seem to have been treated little better than slaves. They complained that their bodies were worn out by the drudgeries the *Romans* put them upon in casting up roads, and raising ways thro' the fens and marshes, and cutting down woods from one end of the kingdom to the other.

Several ranks of people while the *Saxons* governed.

In the time of the *Saxons* the subjects seem to have been divided into the following classes.

First, The clergy and barons, who were proprietors of the greatest part of the lands.

Secondly, Such tenants as held their lands of the king, the church, or the barons, by paying rents in kind, and performing certain services.

Thirdly, Those that possess'd allodial lands, and held of no superior.

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Fourthly,

Fourthly, The merchants and tradesmen that had lived in towns and were concerned in traffic; and,

Fifthly, The servientes or slaves, which were of several kinds, and after the conquest were called villains.

It is doubted who these slaves or villains were that inhabited *Great Britain* in the time of the *Saxons*; some suppose that the *Saxons* found them here; others, that they brought them with them from *Germany*; but the most probable conjecture is, that a majority of them consisted of the prisoners the *Saxons* made in their long wars with the *Britons*; and the rather, because they were usually employ'd in husbandry, in ploughing or manuring their lords lands, for which they must be extremely well qualified, as they understood the nature of the soil, and how to make the best of it. The *Saxons* could not make a better use of their prisoners, or of the lands they seiz'd, than by employing their *British* prisoners in the cultivation of such lands, and maintaining themselves out of the product of them by their own labour.

These villains were either *regardant* or in *gross*: *Regardant*, where they belonged to some manor or estate. These descended with the inheritance, and were esteemed part of the purchase where a man bought an estate. The villain in *gross* was a common slave that had no relation to the estate of his master, but was obliged to perform any kind of drudgery within or without doors. Some villains had lands assigned them, which they held by base tenures, as carrying out the lord's dung, plowing his lands, &c. but all they had was their lord's, which he could deprive them of at pleasure; and if they sav'd goods or money, and purchased any thing, whatever they purchased was their lord's. There were freemen also that held their lands by the tenure of villenage, who were entitled to such lands as long as they paid them rents, and performed their services, and committed no act which amounted to a forfeiture, as in the case of a copyholder at this day.

That there were villains *regardant*, and villains who held their estates at the will of the lord on most gentlemens estates
in

in the times of the *Saxons*, appears evidently from *Doomsday* book, which is that survey which *William* the Conqueror caused to be made of all the lands of *England* in the latter end of his reign ; of which I shall extract some few instances, *viz.*

Harold held Benflet in the time of King ^{Extracts} Edward the Confessor, when there were ^{from} upon that manor twelve villains, now *Doomsday.* twenty one ; six bordars, and now six ; then three servants, now three.

These bordars were cottagers who held their little cottages on the like terms as the villains held their lands : And as to the servants, *servientes*, they were villains in gross that held no lands, but performed any kind of services they were put upon within doors or without.

Harold held the manor of Witham in the time of Edward the Confessor ; then there were twenty one villains on the said manor, now fifteen ; then nine bordars, now ten ; then six servants, now nine ; then there were twenty seven socmen (tenants that held by the service of the plough or in socage) now the same number.

Archbishop Lanfranc held the manor of Mellinges in the time of Edward the Confessor,

fessor, consisting of fourscore hides; the land of the whole mannor being fifty carucates, on which were two hundred and nineteen villains, and thirty five bordars. (A carucate usually signified such a farm as could find business for one plough; but sometimes a carucate consisted of as much as two ploughs could manure.)

This survey of the kingdom, call'd *Doomsday*, was made by the verdict or presentment of juries in every county and hundred. They observed how much arable land, pasture, meadow and wood every man had; what was the extent and value of them before the conquest; and what at the time of making this book in the Conqueror's reign; what mills and fishings; how many freemen or socmen, (who held by the service of the plough); how many villains, bordars, servants or villains in gross; and what cattle, sheep and hogs, were usually kept in every mannor.

Allodial
estates,
none since
the con-
quest.

Since the *Norman* conquest there has been no such thing as allodial estates, viz. such estates as are perfectly free, and hold of no superior lord; for all lands after the conquest were held as they are at this day, immediately or mediately of the crown.

crown. The Conqueror distributed the lands among his *Norman* officers, to hold of him by military tenures; and these lords let them to others on the like tenures.

And as the king had the wardship and marriage of the heirs of his immediate tenants, or those who held of him in capite; so the lords had the like power over the heirs of such tenants as held of them. But wards and marriages were abolished by act of parliament in the reign of king *Charles II*, and a revenue was settled on the crown in lieu of them.

There were several ways whereby a slave or villain might obtain his liberty.

As First, By the release of his lord.

Secondly, If a bondman lived unmolested in a corporate town, and was received into the guild or fraternity as a member of it.

Thirdly, By the lord's converting that base tenure into rent.

Fourthly, Great numbers of them were enfranchised by the crown, the church, and the lords, on account of their serving in the barons wars.

Fifthly,

Fifthly, But time and prescription, or disuser of these base services, has contributed to make more free than all the other ways; and there is not now a slave in the three kingdoms, except Negroes.

How men
became
villains or
slaves.

Many kingdoms, as well as *England*, had formerly slaves amongst them, who were, first, such as had forfeited their liberty by their crimes; secondly, such as were taken prisoners in war; thirdly, such as could not pay their debts, who were forc'd to serve their creditors 'till they had made satisfaction; and fourthly, such as acknowledged themselves slaves in open court, on condition of being provided for by their masters.

The issue of all these species of slaves were esteemed slaves; but if a freeman had a child by a nief, or female slave, the child was free: On the contrary, if a freewoman had a child by a slave it followed the condition of the father.

Slaves still
in the
plantations.

But notwithstanding none of the natives of the three kingdoms are in a state of slavery here at this day, we have multitudes of slaves in the *British* plantations, which are generally purchased in *Africa*, where the little princes of that
part

part of the world are perpetually at war, in order to make slaves and sell them to the *Europeans*, who transport upwards of sixty thousand of these poor unhappy wretches annually to *America*.

This is a traffic censured by some and defended by others. If that maxim hold, that all legal government is founded in the consent of the people, and that no one has a right to assume the dominion of another against his consent; then must this be allowed to be a most unchristian practice. To which the advocates for this traffic answer, that if all government, which is founded in force, is unlawful, then is there scarce a lawful government subsisting; for most of the governments we are acquainted with, were either founded in force, or else the governors have excluded the majority of the people from any share in them, and are usurpers of the power they exercise.

The justice of making or purchasing slaves.

It is observed further, that a man may *justly* be reduc'd to a state of servitude upon several accounts already enumerated, as first, by his crimes. When the magistrate is authoris'd to take away his life, there it is a favour to insist only

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upon

upon the loss of liberty ; and where a prisoner is taken in a just war, and the conqueror makes him a slave instead of taking his life, he has no wrong done him. So in the case of a debtor that can't pay, the creditor seems justly entitled to his service until he receives satisfaction ; or one man may subject himself and his family to another for a maintenance, as our common servants do for a certain time ; or a man may resign his liberty for life, if he sees fit ; and in any of these cases, if it be just and lawful for a master to sell such servants or slaves, it can be no crime in the purchaser to buy them, and employ them as he sees fit.

To this it is reply'd, that admitting it be lawful to purchase slaves, which are made so by any of the ways abovementioned ; yet where they are unjustly deprived of their freedom, and the master can have no right to their service, the purchaser can have none, and is guilty of injustice, as well as the first possessor in using them as such. It is notorious that great numbers of those we buy are stolen from their friends, and that the wars of the *African* princes are generally entered
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into chiefly with a view of making slaves to sell to the *Europeans*, who are indeed the occasion of these wars and outrages ; for if our merchants did not visit their coasts to purchase slaves, these princes would probably live in peace ; and not a tenth part of the slaves would be made as are at present.

And what can be said for enslaving innocent children that have no share in their parents crimes ? If that proposition be true, that no one has a legal right to assume the dominion over another, unless such person voluntarily consented to be governed by him, then the making slaves of innocent children is a usurpation on the natural liberties of mankind ; for it can never be supposed that any man ever consented to make his posterity slaves for ever, tho' he might subject himself to punishment for disobeying the laws of the community to which he consented.

Let it be supposed that a man was stolen from his friends by an *Algerine* pyrate, and made a slave in *Barbary*, would any man say that the pyrate, or he that purchased the unfortunate person, had a right to his service ? And should we not com-

commend that slave who thus lost his liberty, if he endeavoured to regain it, and make his escape, even by killing his master? And yet what tortures do our planters in *America* inflict upon a slave that attempts to regain his liberty, who perhaps was made a slave as unjustly as the person taken by the *Algerine* pyrate?

What a different judgment do men pass upon actions of the same nature, according as they are differently interested; they commend the heroic bravery of a Christian slave, who should obtain his liberty in *Barbary*, even by the death of his master; and they think no punishment too great for a slave in our plantations, who should endeavour to regain his liberties there?

It was lately a received opinion, that if a slave in the plantations turned Christian, he obtain'd his liberty, and ought to be treated as another subject; and some planters, under this apprehension, refused to suffer their slaves to be baptized; but it seems we are not so ready to encourage converts as the *Turks* are. If a Christian slave embraces Mahometism, he has his liberty.

liberty immediately in *Turky*; not so where an Infidel turns Christian.

It was supposed also, that where a Negroe slave came into *England*, he thereby became a freeman; but this also is a vulgar error. Whether one born in *England* of a slave is not free, is more doubtful: But then those born of slaves in the *British* colonies, one would think should be free, which I find is generally deny'd; however there are several Negroe slaves that have been made free; and these, if born in the *British* dominions, seem well intitled to *British* liberties, if they have embraced the Christian faith. There are great numbers of Negroes in *Jamaica* that have formed themselves into an independent state, and been treated with by that government as free people; why these ought not also to be treated as *British* subjects, if they turn Christians, no tolerable reason can be given.

Having enquired what right the *Eu-*How do-
ropeans have to the perpetual service of ^{minion}
the slaves they purchase and employ in ^{and pro-}
their colonies and plantations, it brings ^{erty are}
me naturally to consider what right they ^{justly ac-}
^{quir'd in}
^{the plan-}
have ^{tations.}

have to the plantations themselves in *Asia*, *Africa* and *America*; and how the dominion or property of these, or any other country, are or may be justly acquir'd.

Whether
by com-
mon con-
sent,

All things were common and free for any one that would use them in the first ages of the world, according to *Puffendorf*; and the first agreement among men in relation to this matter, he supposes was, that what any person seiz'd out of the common stock, or out of the fruits of them with design to apply to his private use, none should rob or deprive him of.

or occu-
pancy.

Others are of opinion, that no such agreement was necessary, but that the foundation of all particular right, which any man has to a thing which was before common, is the first possession. If it was a crime, says *Mr. Lock*, to take the least thing which was given by heaven in common before we had the consent of all others, we might perish with hunger in the midst of plenty. Where every one is master of his own person and actions, the labour of his body, and the work of his hands, entirely and solely belong to him as his own proper goods. He who gathers acorns or apples in the woods,
makes

makes them his own by the pains he has taken for them : So the stag he has kill'd, or the fish he has taken in places not appropriated ; and so many acres of ground as a man cultivates, and has occasion for in countries not already planted, he hath a right to inclose and improve without any man's permission : But it does not follow from hence, that a man may appropriate to himself as much land, or as many goods as he pleases ; for the same law of nature which has given any one a particular right to what he has gotten by his own labour and industry, separate from the community, hath set certain bounds to that right : If he takes what others have occasion for after his own necessities are supplied, he seizes what does not belong to him ; no private man being entitled to take more than he can enjoy, to the prejudice of others whose real wants are not satisfied.

Others observe, that the first man, *Adam*, was sovereign and proprietor of the whole world, and that in the first ages all men derived their right to dominion and property from him ; that he was invested with a power of dividing the earth, and the fruits

Government before any election can be presumed.

fruits of it among his children and descendants, as he saw fit; and consequently there never was a time when all things were common: but it is very probable in the infancy of the world, when there were but few men, and there was so large a field to range in, that *Adam* had seldom occasion to exercise his authority in this particular; he might leave his posterity to plant and cultivate such parts of the earth as they chose, referring however a power to determine such controversies as might happen to arise in relation to such possessions: And as it is universally agreed that some government is absolutely necessary to the well-being of societies, it is reasonable to presume, when any colony was sent abroad to plant a distant country, leaders or governors were assigned them by *Adam* or his successors, who were empower'd to divide the lands they should plant, and determine all other disputes among them; and then there can be little reason to suppose there was a time when all things were common, or that the consent of all the community was necessary to give a man a right to what he possess'd,

possess'd, an opinion that can only be founded on a presumption that all men were equal at the beginning of the world; and that fathers had no authority over their children or descendants.

At this day, and for many ages, it must be admitted, that all men have been subject to some prince or state, and where any man discovers and possesses himself of any tract of land not already appropriated, it becomes the dominion and property of that prince or state that employed him in the discovery; and if he made the discovery, and fixed himself in an uninhabited country without any authority, he still remains subject to the community from whence he came; and the prince or state, his sovereigns, have a right to the dominion of such new-discovered lands, and may parcel them out as they see fit; and whoever endeavours to disturb a people in the actual and peaceable possession of any country so discovered, are now universally esteemed robbers, and unjust invaders of their neighbours properties.

Unplanted
countries
subject to
those who
first disco-
ver and
possess
them.

It seems, however, to have been the opinion of some of the politest nations, *Greeks* and *Romans*, that they had a right

to dispossess and enslave any nation or people they were pleased to denominate *Barbarians*. And the like notion prevailed so far among Christians, that we find the Pope and Christian princes parcelling out the dominions of the *Indian* princes, and exercising an authority over them and their subjects, as despotically as if they had been born their slaves. Nor was this only the practice of those of the *Roman* communion, but Protestant princes also assum'd the like authority over the *Indian* nations, and gave commissions to their subjects to subdue all countries they found possess'd by Pagans. And those high and mighty states, the *Dutch*, went still further, seizing every distant country, and dispossessing the inhabitants, whether Christian or Pagan, if they found it worth the conquest, and had force enough to effect it.

The property of deserted lands obtained.

I proceed in the next place to observe what opinion our civilians hold, in relation to lands, or other things deserted or relinquished by their former owners, which is, That a man may by occupancy obtain a right to such things as have been relinquish'd voluntarily by a former owner, as well

well as if he had been the original possessor.

If one without compulsion leaves his lands, giving sufficient indications that he designs to retain them no longer, in this case they seem free for any one : But a prince, or state, may actually lose the possession of their territories, and yet have a right of regaining them ; for if it does not appear that the former owner left them voluntarily, and had no intention of returning and enjoying them again, the second occupant can have no title to them, but is deemed an intruder and usurper.

According to the opinion therefore of *Puffendorf*, *Grotius*, and other civilians, the *Spaniards*, *Portuguese* and *Dutch* have a very bad title to the territories they possess in the *East* or *West Indies* ; and I'm afraid the *English* would be troubled to justify their title to some of their *American* plantations, according to the maxims above recited, unless a long possession can mend a defective title. 'Tis certain no *European* nation hath been guilty of fewer usurpations of this nature than the *English*, and none use their subjects with greater

humanity. There are many instances also, where *English* colonies have been planted by the consent of the natives, and a valuable consideration given them for the lands they parted with, particularly in *Carolina* and *Pensilvania*.

Arts used
to gain the
possession
of coun-
tries alrea-
dy plant-
ed.

It may be observed further of every maritime power, both ancient and modern, that their first design or pretence, when they visit any distant country, is to propose the carrying on traffic, and exchanging the produce of their respective countries to their mutual advantage: The next step they take is to agree with the natives for a place to lay up and secure their goods until they have an opportunity of exporting them, and under colour of building such places, foreigners frequently erect forts, and introduce such numbers of their countrymen as to be able to dispute the authority of the natives, and sometimes assume a superiority over them, perhaps subdue and enslave the natives, not suffering them to traffic with any other people but themselves.

This was the usual conduct of the *Phe-
nicians*, *Carthaginians* and *Grecians* an-
ciently, and they have been imitated of
late

late years by the *Spaniards*, *Portuguese* and *Hollanders*, and too often by the *English*; tho' by subsequent treaties, and voluntary concessions of the *Indians* in many of the plantations, our title to what we possess seems to have a face of right at present; and the *Indians* under our protection are rather gainers than losers by our settling among them, inasmuch as we have improv'd their lands to vast advantage, and introduc'd corn, cattle and fruits, as well as arts and sciences, which they were strangers to 'till now: And the government they live under is much milder than that of any of their native princes; however, it must be confess'd, neither we, nor any other *European* nation, had any right to compel the *Indians* to submit to our dominion: How ridiculous therefore is it for the powers in this part of the world to contend with each other, and enter into long bloody wars about the sovereignty of the *Indian* kingdoms and states, to which they have no other title than mere force?

If the discovering a passage and tracing out the way to a distant country already inhabited could entitle a prince or
state

state to the dominion of it, or to monopolize the trade of it, there is no doubt but the *Portuguese* have the best right to the *East*, and the *Spaniards* to the *West Indies*; but if Pagan princes have as good a title to their countries as Christian princes have to theirs, I can't see what right the finding out the way to such countries can give them, or any subsequent discoverers to a dominion over the natives.

The cultivating and improving a country thinly peopled, the best pretence for settling in it.

The best pretence that we can have to plant any country thinly inhabited, as *America* was, is, that no man or community can challenge an exclusive right to more land than he or they can possibly use or cultivate; and it is evident that many thousands, many millions of acres in *America* lay uselefs and uncultivated when the *Europeans* arrived there, which, by planting and sowing, might be made to subsist fifty times the number of people it did under the management of the natives, who only hunted on such lands, or fished for their livings, and let almost the whole country lye fallow and uncultivated. It could never be the design of the creation that one, or a few men, settling themselves upon a large continent, should monopolise

monopolise what would subsist and maintain a thousand times as many, if the lands were broke up and improved : For tho' a man, or body of men, may have a right to as much land as they can use in a country not already planted, it does not follow from thence, that they may appropriate to themselves as much land, or as many goods as they please, as has been observed already ; for the same law of nature which gives us a right to what we first possess, hath set bounds to that right ; and if we take what others have occasion for, when our own necessities are already supplied, we keep what does not belong to us ; no man or nation, therefore, can be intitled to more than they can enjoy, to the prejudice of others, whose real wants are not satisfied ; much less can they be entitled to keep the world a barren wilderness, when it might be cultivated and improved by other hands, so as to make it capable of subsisting millions of people more than it can possibly do while it lies fallow. It is of service even to the natives, to improve the uncultivated lands, so that they may partake of such fruits as they could never have possess'd without such

such cultivation: But then such settlements ought to be made without prejudice to the original inhabitants, or first possessors, and even with their consent, if possible; which has been found not very difficult to obtain in several of our plantations, where the natives have been treated with humanity, and allowed to retain their own laws and customs, which we have no authority to invade or alter.

Spanish
usurpations
not
to be de-
fended.

The dominion of the *Spaniards* on the continent and islands of *America* was certainly acquir'd and founded on the highest injustice, cruelty and oppression; they insisted that the authority they received from the Pope, and the Emperor *Charles V*, King of *Spain*, entitled them to invade, subdue, enslave and murder the natives of that new-discovered world, because they were not Christians; tho' these unhappy men had never heard of the name of Christ, and consequently could not be said to reject what they were wholly unacquainted with; nor would the submission of the poor defenceless *Indians* satisfy them, for then they could have had no pretence to take away their country, plunder them of their treasures, murder and enslave their persons:

persons : They took opportunities of quarrelling with them therefore, even after they acknowledged themselves subjects of *Spain*, and massacred so many millions of them that the country was almost depopulated ; and by these means, they pretended to have acquir'd such a right to *America*, that no *European* people but themselves ought to set a foot on shore there, or navigate those seas ; and actually sunk the ships, and murdered the crews of all *Europeans* they found there. But as the ancient inhabitants were almost destroy'd, and *Spain* was not able to plant a country of nine thousand miles extent, it happen'd that great part of this new world remained without inhabitants ; and other nations being of opinion they had as good a right to plant these waste and desert countries, as the *Spaniards*, sent out colonies to that part of the world, and fix'd themselves there without their leave, who could have no right to hinder them, but what was founded on robbery and usurpation : They also occupied several parts which the *Spaniards* had abandoned for richer settlements, as the Bays of *Campeachy* and *Honduras*, *Florida*, *Hispaniola*,

K

niola, &c. which they might lawfully do when the *Spaniards* had deserted them, and the original inhabitants had been destroy'd by their cruelty: But still the *Spaniards* are pleased to revive their claim to the whole continent when other nations discover any thing valuable in the places they possess: This is the case of the *British* logwood-cutters; they have fix'd themselves in countries far removed from the *Spanish* settlements, and whither the *Spaniards* would never have come but to disturb our people employ'd in cutting logwood, which they oppose, notwithstanding the several treaties concluded between *Great Britain* and *Spain*, whereby both parties are allow'd to retain what they possess'd at the signing of such treaties; and these logwood countries were then possess'd by the *English*. This is one occasion of the present war; the *Spaniards* insisting that no nation is entitled to the produce of this part of *America* but themselves, tho' they could never plant a tenth part of it, and have deserted and abandon'd a great deal of what they are possess'd; and not only the *English*, but the *French* have possess'd themselves of large territories

The right
of the *British*
log-
wood-cut-
ters dis-
puted.

One occa-
sion of the
war.

The
French suf-
fer'd to
plant *Flori-
da*.

territories which the *Spaniards* abandon'd in *Florida* and *Hispaniola*; nor do the *Spaniards* pretend to dispute the possession of these countries with the *French*, tho' they make our possession of some part of the logwood countries, they had in like manner abandon'd, a sufficient reason for taking our ships.

The *Dutch* have acted the like tra-
 gedies in the *East Indies*, as the *Spa-*
niards have in the *West*; they have sub-
 du'd and destroy'd the inhabitants of the
 Spice Islands, and expelled even the *Eng-*
lish, and all other *Europeans* from those
 coasts, tho' the *English* were actually in
 possession of those islands, and had all
 the right to them which the natives of
 the country could give them: They have
 gone further, and rooted up the spices in
 several islands, that the rest of the world
 may not partake of them.

The Dutch
 expel both
 the Na-
 tives and
 the *Eng-*
lish from
 the Spice
 Islands.

And root
 them up
 in several
 islands.

If that maxim hold good, therefore, that no man or community can justly possess themselves of more than they can use or cultivate, the *Dutch* ought to be doubly curs'd, who do not only monopolize all the fine spices, but annually destroy these valuable productions, that the

rest of the world may not partake of them : And if we add to their injustice the detested means by which they acquir'd them, it will be no small aggravation of their guilt ; for they did not only massacre the natives, but their friends the *English*, and expell'd them from these invaluable islands, tho' they were then in full peace with *England*, and had just before been rescu'd, and deliver'd from the tyranny of the *Spaniards*, and erected into an independent state by the arms and treasures of *England*.

In what light therefore can we look upon these, and many other flourishing kingdoms and states, but as grand robbers and murderers, whose dominion is founded in violence and treachery, and maintain'd by the like detested arts, who every day condemn the poor natives to the cruellest tortures, if they attempt to recover their liberties, while those who sit in judgment on them, are in reality the criminals ?



APPENDIX.

THE avow'd design of bringing over and naturalizing foreigners, is said to be,

The reducing the price of labour so low as to be able to afford our manufactures as cheap as our neighbours, and thereby recover our foreign traffic, which seems to decline apace.

Our labourers and mechanics, 'tis said, (as well as their masters and employers) live too high and extravagantly, which is the reason they set a higher price on their goods than foreigners do on theirs, who live upon herbs and roots, and drink water : That by importing foreigners, our people will be taught to live as frugally as they do, or they will underwork the natives, and enable us to afford our manufactures as cheap as our neighbours do theirs.

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But

But it must be presum'd then, that these aliens are to be admitted into, and made free of all our cities, towns and corporations, where our manufactures are carried on ; or else such a law will not answer the end proposed.

On the other hand, should they be admitted and made free of the respective corporations, they will have a great share or interest in elections, and of what consequence this will be, every gentleman must be apprized.

The new-modelling corporations gave the nation great disquiet in the reigns of King *Charles* and King *James II* ; the introducing *Irish* officers and soldiers gave us terrible apprehensions ; and the introducing a people, still greater strangers to the constitution, into the corporations, is a measure that may create the like jealousies among the natives, and will not therefore, 'tis presum'd, be very warmly espoused by the friends of the present government.

But further, if the *Germans* are one of the nations intended to be introduced, it is observed, that those people eat and drink at least as plentifully as the *English*, and consequently won't be able to
live

live cheaper here than the natives ; and as to the *French*, who live upon herbs and roots in their own country, such diet may not be so healthful in this cold climate ; but they will be obliged to eat and drink as the *English* do.

It has been observed also, that one of our labouring men, who eats beef and pudding, will do twice the work of one of those finical gentlemen that live upon herbs and roots : And if one of the natives can do as much work as two foreigners, he may afford to live better than a foreigner, and sell his goods as cheap.

F I N I S.



live cheerful, and in the native; and
 as to the foreign, who live upon herbs
 and roots in their own country, their diet
 may not be so plentiful in this cold cli-
 mate; but they will be obliged to eat and
 drink as the English do.
 It has been objected also, that one of
 our labouring men, who eats beef and
 mutton, will do twice the work of one
 of those stinking gentlemen, that live upon
 herbs and roots: And if one of the na-
 tives can do as much work as two for-
 eigners, he may as well live better than
 a foreigner, and sell his goods as cheap.



T. W. I. S.



